

REMARKS

Claim 33 is added herein. Claims 1-33 now remain pending in the application.

Examiner Interview

The Applicants thank the Examiner for granting and conducting an interview on March 30, 2006.

During the interview the Applicants stressed that Wagner's invention is directed toward supply chain management. Thus, Wagner nor any of the other cited prior art suggest modifying a supply chain management system that is only concerned with a condition of items of commerce INSIDE a shipping container to sense a condition of said first shipping container. Thus, none of the cited prior art disclose or suggest communicating a condition of a shipping container with a second shipping container, as discussed more fully below.

Allowability of Claims 10 and 19

The Applicants thank the Examiner for the indicating that claims 10 and 19 are allowed.

Objection of Claims 12, 21 and 28-31

Claims 12 and 21 were objected to as allegedly reciting "remove" that allegedly should be "removal".

Claims 12 and 21 are amended herein to correct any informalities.

Claim 28 was objected to as allegedly being inconsistent within the body of the claim, with claims 29-31 objected to by dependency.

Claim 28 is amended herein to correct any inconsistencies.

Claims 1-9 over Wagner in view of Breed

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Pub. No. 2004/0174260 to Wagner ("Wagner") in view of U.S. Patent No. 6,919,803 to Breed ("Breed"). The Applicants respectfully traverse the rejection.

Claims 1-9 recite a shipping container communication adapter to adaptively communicate a condition of a first shipping container with a **second shipping container**.

The Examiner acknowledged that Wagner fails to disclose a sensor for sensing a condition of a shipping container (See Office Action, page 3). The Examiner relies on Breed to allegedly make up for the deficiencies in Wagner to arrive at the claimed features. The Applicants respectfully disagree.

Breed appears to disclose an arrangement for monitoring an asset including an interior sensor system and a communication system to transmit information about the contents in the interior to a remote facility (See Abstract). Openings and closings of each door of each asset can be detected such that information about openings and closings of each door is transmitted to a data processing center for inclusion in a database (See col. 8, lines 45-48).

Breed appears to communicate information about openings and closings of a door. However, Breed communicates information about openings and closings of a door with a remote data processing center NOT disclosing or suggesting communication of a condition of a first shipping container with a **second shipping container**. Thus, Wagner, Breed nor any of the other cited prior art disclose or suggest communicating a condition of a first shipping container with a **second shipping container**, as recited by claims 1-9.

Moreover, modifying Wagner that discloses a supply chain management system (See paragraph 0003) to detect a condition of a shipping container is nonsensical and non-obvious. Supply chain management is entirely directed toward management of assets WITHIN a shipping container. Supply chain management is unconcerned with any type of security related a shipping container itself. "Teachings of references can be combined only if there is some

suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Nothing within the cited prior art suggests modifying Wagner's supply chain management system to perform any type of nation security duty, i.e., detect a condition of a shipping container, much less communication a condition of a shipping container with a second shipping container, as recited by claims 1-9.

A benefit of sensing a condition of a shipping container and communicating the condition of a shipping container with a second shipping container is, e.g., increased security for shipping containers that are unable to communicate their status directly to a remote facility. Breed's invention appears to communicate a condition of a door status sensor with a remote data processing center. However, Breed fails to take into account security issues related to a shipping container during transit when communications are impossible for any reason, such as other shipping containers being stacked on a subject shipping container deep within a cargo ship. Communicating a condition of a shipping container with a second shipping container allows dissemination of information even when there is no direct communication path with a remote facility. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1-9 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 11-18 and 20-27 over Wagner in view of Wooley

In the Office Action, claims 11-18 and 20-27 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Wagner in view of U.S. Patent No. 5,774,876 to Wooley et al. (“Wooley”). The Applicants respectfully traverse the rejection.

Claims 11-18 and 20-27 recite a system and method of transmitting sensor data from a first shipping container to a second shipping container if a

sensor attached to the first shipping container detects a hazard and the first shipping container is unable to transmit its sensor data to a ship's bridge.

The Office Action acknowledged that Wagner fails to disclose communication a hazard to a ship's bridge (See Office Action, page 5). The Office Action relies on Wooley to allegedly make up for the deficiencies in Wagner to arrive at the claimed features. The Applicants respectfully disagree.

The Office Action acknowledged that Wooley discloses distributing data between a first shipping container, a second shipping container and a vehicle driver cabin (See Office Action, page 5). However, the Office Action alleges that a driver's cabin is equivalent to a ship's bridge (See Office Action, page 5).

A ship travels on water. A vehicle travels on land, i.e., Wooley discloses a truck. For purposes of national security, if a hazard has reached the point where it is placed on a truck, i.e., reached land, the ability to AVOID a catastrophic crisis has already passed. However, if a hazard is detected and reported to a ship's bridge, a crisis can potentially be avoided before reaching a hazard reaches a port. Thus, a vehicle driver's cabin does **NOT** equate to a ship's bridge, as recited by claims 11-18 and 20-27.

Moreover, as discussed above, Wagner discloses a supply chain management system (See paragraph 0003). Modifying Wanger to communicate a hazard with a ship's bridge is nonsensical and non-obvious. Supply chain management is entirely directed toward management of assets having NOTHING to do with national security. A ship's crew would be unconcerned with a condition of items being shipped within Wagner's supply chain management system. In fact, even if the crew where given any information related to items being shipped within Wagner's supply chain management system, the ship would STILL continue to port because Wagner is unconcerned with national security issues. "Teachings of references can be combined only if there is some suggestion or incentive to do so." In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Nothing within the cited prior art suggests

modifying Wagner's supply chain management system to communicate with a ship's bridge, much less to report a hazard associated with a shipping container to a ship's bridge, i.e., perform any type of national security duty.

The Examiner alleged in the Advisory Action dated May 5, 2006 that the cited references meet all of the claimed limitations as written. Moreover, the Examiner alleged that the Applicant argues that the instance invention is drawn to national security, however, there is no mention of national security in the claims.

Claims 11-18 and 20-27 are amended herein to recite sensor data that allows evaluation of national security related to a first shipping container.

The Applicants previously argued that the claimed features have application to national security. However, to more clearly differentiate the claimed features over the cited prior art the claimed features are amended herein to recite application to national security.

As discussed above, Wanger's invention is directed toward supply chain management system. Modifying a supply chain management system to use sensor data that allows evaluation of national security related to a first shipping container is nonsensical since the two concepts are completely unrelated.

Thus, Wagner modified by Wooley would STILL fail to disclose or suggest a system and method of transmitting sensor data from a first shipping container to a second shipping container if a sensor attached to the first shipping container detects a hazard and the first shipping container is unable to transmit its sensor data to a ship's bridge, the sensor data allowing evaluation of national security related to a first shipping container, as recited by claims 11-18 and 20-27.

A benefit of communicating a hazard associated with a shipping container to a ship's bridge is, e.g., avoiding a crisis. If any type of hazard is detected while a shipping container is still on a ship and communicated to a ship's bridge, the ship's crew can decide to direct the ship away from populated areas and avoid going to port. Avoiding populated areas and avoid going to port

can potentially mean the differently between a few people getting hurt, i.e., a ship's crew, and hundreds of thousands getting hurt, i.e., a city's population. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 11-18 and 20-27 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 32 over He

In the Office Action, claim 32 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,995,667 to He et al. ("He"). The Applicants respectfully traverse the rejection.

Claim 32 recites a satellite transmitter on a top of a shipping container housing, a radio transmitter on a side of the shipping container housing, the radio transmitter being able to communicate with a second shipping container and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing.

He's invention is directed toward a system for tracking a geographic location of hazard substances or devices including the same (Abstract). A shipping container is able to communicate through both a radio or Mobile Communications tower and a Satellite to convey a hazard to a tracking station (See He, Fig. 1; col. 6, lines 39-55).

Thus, He's invention appears to be directed toward tracking hazards. However, He fails to disclose or suggest application of any of the teachings to a shipping container that is able to communicate with a second shipping container, much less a shipping container comprising a satellite transmitter on a top of a shipping container housing, a radio transmitter on a side of the shipping container housing, the radio transmitter being able to communicate with a second shipping container and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing, as recited by claim 32.


A benefit of shipping container comprising a satellite transmitter on a top of a shipping container housing, a radio transmitter on a side of the shipping container housing, the radio transmitter being able to communicate with a second shipping container and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing is, e.g., the ability to maximize communications even during transit when shipping containers are stacked deep within a cargo hold of a ship. As discussed above, allowing shipping containers to communicate with one another allows communicates from a shipping container with a remote entity that otherwise would not be possible with direct communications. Moreover, a shipping container that uses multiple communication mediums allows dissemination of information if any one communication mediums is unable to communicate with a remote entity. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claim 32 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Dan Fiul", is written over a horizontal line.

Dan Fiul
Reg. No.: 46,504

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1054
FAX. (202) 887-0336